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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Pima Heart Physicians PC,

10 Plaintiff,

11 v.

12 Sonoran Vein and Endovascular LLC, et al.,

13 Defendants.

No. CV-24-03611-PHX-DJH

ORDER

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15 Plaintiff Pima Heart Physicians, PC, (“Plaintiff”) is a “cardiovascular practice” in
16 Arizona which has filed a Complaint against Sonoran Vein and Endovascular, LLC, Dr.
17 Luis R. Leon and Ms. Heather Bailey (“Defendants”) for Misappropriation of Trade
18 Secrets, Breach of Contract, Breach of Loyalty and Tortious Interference with a
19 Contractual Relationship. (Doc. 1). Plaintiff alleges that its Principal Place of Business
20 (“PPOB”) is in Tucson (*Id.* at ¶ 6), Defendant Sonoran Vein’s PPOB is in Peoria (*Id.* at ¶ 7)
21 and that Defendants Leon and Bailey reside in Pima County. (*Id.* at ¶¶ 8–9). Upon review
22 of the Complaint and the allegations set forth therein, the Court finds that venue is proper
23 in the Tucson Division, not Phoenix.

24 A civil action may be brought in: “(1) a judicial district in which any defendant
25 resides, if all defendants are residents of the State in which the district is located; [or] (2) a
26 judicial district in which a substantial part of the events or omissions giving rise to the
27 claim occurred, or a substantial part of property that is the subject of the action is located.”
28 28 U.S.C. § 1391(b) (emphasis added). If the current venue is improper, the Court “*shall*
dismiss, or if it be in the interest of justice, transfer such case to any district or *division* in

1 which it could have been brought.” 28 U.S.C. § 1406(a) (emphasis added).

2 The Local Rules for the District of Arizona provide: “Unless otherwise ordered by
3 the Court, all civil and criminal cases founded on causes of action (1) arising in the Phoenix
4 division shall be tried in Phoenix, (2) arising in the Prescott division shall be tried in
5 Prescott, and (3) arising in the Tucson division *shall* be tried in Tucson.” LRCiv 77.1(c).
6 The Phoenix Division is comprised of Maricopa, Pinal, Yuma, La Paz, and Gila counties.
7 *Id.* at 77.1(a). The Tucson Division is comprised of Pima, Cochise, Santa Cruz, Graham,
8 and Greenlee counties. *Id.*

9 Plaintiff alleges that venue is proper under 28 U.S.C. Section 1391(b)(2) because
10 Sonoran Vein’s principal place of business is in Maricopa County and a substantial portion
11 of the events or omissions giving rise to the action occurred in *Arizona*. (Doc. 1 at ¶¶ 6, 12)
12 (emphasis added). The events as alleged in the Complaint appear to have occurred
13 exclusively in Tucson. For example, Plaintiff alleges that it discovered that Dr. Leon was
14 featured on the Sonoran Vein website as a vascular surgeon, working out of its office at
15 1815 W St Mary’s Rd, *Tucson*, AZ 85745 and its office at 2055 W Hospital Drive, *Tucson*,
16 AZ 85704. (*Id.* at ¶ 53) (emphasis added). It also argues that “based on forensic artifacts
17 on the Pima Heart desktop that Ms. Clark used when she was employed with Pima Heart
18 [*in Tucson*], Ms. Clark accessed multiple folders and documents while using an external
19 USB drive between June 12, 2024, and July 11, 2024, indicative of copying material from
20 the desktop to the external USB drive.” (*Id.* at ¶ 62). The only fact that makes venue in
21 Phoenix proper is that Defendant Sonoran Vein’s PPOB is here. However, Sonoran Vein
22 has several locations throughout Arizona and Dr. Leon is alleged to have left Pima Heart
23 to work at the Tucson Sonoran Vein locations, not the Phoenix ones. (*See id.* at ¶ 53).
24 Because the material events in this matter are alleged to have occurred in the Tucson
25 Division, this case should be tried in the Tucson Division—not the Phoenix Division.
26 LRCiv 77.1(c).


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1 Accordingly,

2 **IT IS ORDERED** that this matter is **TRANSFERRED** to the Tucson Division
3 under Local Rule 77.1.

4 Dated this 20th day of December, 2024.

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7 Honorable Diane J. Humetewa
8 United States District Judge
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